

DECLARATION AND POWER OF ATTORNEY

As the below-named inventors, We hereby declare that:

Our residence, Post Office address and citizenship are as stated next to our names,

We believe that we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled ADJUSTMENT FOR ROCK CRUSHER, the specification of which is attached hereto.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims.

We acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior foreign applications: NONE

We hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the matter provided by the first paragraph of Title 35, United States Code, Section 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

NONE

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the

like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorney to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Robert L. Harrington, Registration No. 20,994. We further appoint this same attorney to file and prosecute on our behalf corresponding applications in all countries of the world and in particular to file and prosecute on our behalf a corresponding application with the office of the Patent Cooperation Treaty. Address all telephone calls to: (503) 655-7854. Address all correspondence to: 421 High Street, Suite 220, Oregon City, OR 97045.

INVENTORS' SIGNATURES

Residence: Cottage Grove, OR  
Citizenship: United States  
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DANIEL C. DRINKWATER

Date: \_\_\_\_\_

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ROGER M. CLARK

Date: \_\_\_\_\_

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GERALD E. PARKER

Date: \_\_\_\_\_

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DAVID F. PEAKS

Date: \_\_\_\_\_

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GARY HEESZEL

Date: \_\_\_\_\_

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RANDY ORRE

Date: \_\_\_\_\_

Applicant: Drinkwater, et al

Title: ADJUSTMENT FOR ROCK CRUSHER

VERIFIED DECLARATION CLAIMING SMALL ENTITY STATUS -  
SMALL BUSINESS CONCERN

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern: Johnson Crushers International, Inc.

State of Incorporation: Oregon

Address of Concern: 2435 Prairie Road  
Eugene, OR 97402

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of this concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled ADJUSTMENT FOR ROCK CRUSHER by the inventors, described in the specification filed herewith.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a non-profit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities: (37 CFR 1.27)

NONE

I acknowledge the duty to file, in this application, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at least time of paying, the earliest of the issue fee or any maintenance fee due after the date of which status as a small entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: David F. Peaks  
TITLE OF PERSON SIGNING: Vice President/Engineering  
ADDRESS OF PERSON SIGNING: 2435 Prairie Road  
Eugene, OR 97402

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Signature

Date: \_\_\_\_\_